

### **REMARKS**

The Office Action of June 12, 2008, has been reviewed and the Examiner's comments carefully considered. Claims 7-9, 11 and 12 have been amended, claim 10 has been canceled, and new claims 13-26 have been presented by way of this Amendment. Accordingly, claims 7-9 and 11-26 are currently pending in this application, and claims 1, 16 and 25 are in independent form. Support for the amendments made herein can be found in Figs. 1-11 and page 3, line 3 to page 5, line 5 of the specification. Applicant respectfully submits that no new matter is being added by the current Amendment.

The drawings have been objected to because Figure 8 includes reference number 72, which is not mentioned in the description. The paragraph beginning at page 4, line 24 of the specification has been amended to include reference number 72. Applicant respectfully requests that the objection be withdrawn.

The specification has been objected to because the title is not descriptive and because Figures 8(a), 8(b), 10 and 11 are not described in the Brief Description of the Drawings. The title has been amended to GUTTER AND MOUNTING DEVICE FOR BUILDINGS, which Applicant submits is sufficiently descriptive of the invention to which the claims are directed. Additionally, the specification has been amended to include Figures 8(a), 8(b), 10 and 11 in the brief descriptions. Applicant respectfully requests that these objections be withdrawn.

Claims 7-12 stand rejected under 35 U.S.C. §112, second paragraph because the limitation "the clips are aligned so as to correspond to a fall" is unclear as to what the term "fall" relates and because it is unclear as to whether claims 7-12 are meant to be directed to the subcombination of a mounting bracket or the combination of a gutter and a mounting bracket. Claim 7 has been amended to delete the subject matter as to the alignment of the clips. This subject matter is now presented in new claims 13, 22 and 25, which all recite that "the retaining clips are aligned at an angle with respect to a single edge of the mounting device corresponding to a fall angle required when the gutter is in an/the installed position." Further, claims 7-12 have been amended to delete any positive recitations of the structure of the gutter so as to be clearly directed solely to the subcombination of a mounting device. New claims 16-24 have been presented, which are clearly directed to the combination of a gutter and a mounting device. Applicant respectfully requests that these rejections be withdrawn.

Claims 7-12 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 3,864,882 to Lasscock. Reconsideration and withdrawal of this rejection are respectfully requested.

The present invention, as defined by amended claim 7, is directed a mounting device for a gutter for buildings, the mounting device including an elongated device body that extends in a longitudinal direction between opposite ends, the body including an attachment section which is attachable to the building and a gutter mounting section, the gutter mounting section including a plurality of gutter retaining clips spaced apart from one another in the longitudinal direction, the retaining clips being adapted to cooperate with a gutter to retain the gutter to the mounting device.

Lasscock discloses gutter suspension means comprised of a plurality of clips (20) for attaching a gutter (35) to a fascia (10). Each clip (20) includes a front portion (21) having a plurality of tongues (22) arranged in staggered columns punched upwardly and rearwardly from the front portion (21) of the clip (20). Each clip (20) also includes a rearwardly extending portion (27) and a downwardly extending rear portion (28) that fit over the top of the fascia (10) so as to mount the clip (20) over the fascia (10). A recess is formed between the front portion (21) of the clip (20) and a front face panel (11) of the fascia (10) to receive a rear wall (36) of the gutter. The tongues (22) engage a longitudinally extending retention rib (37) on the rear wall (36) of the gutter (35) such that the gutter (35) can be snapped into place. Successive sections of gutter (35) can be snapped into position by progressively lower tongues (22) so as to give the gutters (35) a downward slope towards a water collection area. Please note Figs. 1 and 2; column 2, lines 46-53; and column 3, lines 1-51 of Lasscock.

Claim 7, as amended, recites specific subject matter as to “an elongated device body that extends in a longitudinal direction between opposite ends, the body including . . . a gutter mounting section, the gutter mounting section including a plurality of gutter retaining clips spaced apart from one another in the longitudinal direction.” Applicant submits that Lasscock does not teach or suggest the above-mentioned claimed subject matter.

Rather, Lasscock discloses that the gutter (44) is attached to the fascia (10) of a building by a plurality of individual clips (20), which are separately fastened to the top of the fascia (10). Each clip (20) includes a plurality of tongues (22) that are disposed in

adjacent vertical columns and are not spaced apart from one another in the longitudinal direction, as is claimed. Further rejection on these grounds would therefore be improper.

Applicant submits that claim 7 is allowable for at least the foregoing reasons, as the teachings of the prior art of record are not sufficient to overcome the deficiencies in the teachings of Lasscock with respect to claim 7.

Claims 8, 9, 11 and 12 are dependent upon and add further limitations to independent claim 7, and are allowable for at least the same reasons discussed above in connection with claim 7.

Newly presented claims 13-15 are also dependent upon independent claim 7. These claims present subject matter further defining the present invention from the prior art of record and are allowable for at least the same reasons discussed above in connection with claim 7.

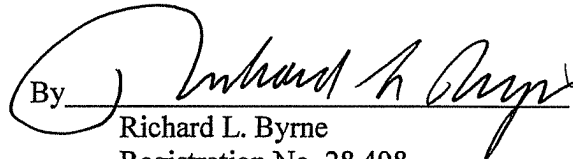
Newly presented claim 16 is directed to the combination of a gutter and a mounting device extending in a longitudinal direction between opposite ends and having a gutter mounting section with a plurality of gutter retaining clips spaced apart in the longitudinal direction. As previously discussed, Lasscock does not teach or suggest this claimed subject matter. Claim 16 is allowable for at least the foregoing reasons, as the teachings of the prior art of record are not sufficient to overcome the deficiencies in the teachings of Lasscock with respect to claim 16. Newly presented claims 17-24 are dependent upon and add further limitations to claim 16, and are allowable for at least the same reasons as claim 16.

Newly presented claim 25 is directed to a method of installing a gutter wherein a plurality of retaining clips are aligned so as to correspond to a fall angle required when the gutter is in an installed position. As previously discussed, Lasscock discloses a plurality of individual clips (20) having adjacent vertical columns of tongues (22). The tongues (22) are vertically spaced such that the rib (37) of the gutter (35) engages a lower tongue (22) in each successive clip (20) so as to mount the gutter (35) with the required fall angle. The tongues (22) in each clip (20) are not aligned to correspond to the required fall angle. Claim 25 is allowable for at least the foregoing reasons, as the teachings of the prior art of record are not sufficient to overcome the deficiencies in the teachings of Lasscock with respect to claim 25. Newly presented claim 26 is dependent upon and adds further limitations to claim 25, and is allowable for at least the same reasons as claim 25.

Application No. 10/553,666  
Amendment dated December 12, 2008  
Reply to Office Action of June 12, 2008  
Attorney Docket No. 4623-053150

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 7-9 and 11-26 are respectfully requested.

Respectfully submitted,  
THE WEBB LAW FIRM

By 

Richard L. Byrne  
Registration No. 28,498  
Attorney for Applicant  
436 Seventh Avenue  
700 Koppers Building  
Pittsburgh, PA 15219  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com